

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE APRIL 12, 2007

**SENATE BILL**

**No. 263**

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**Introduced by Senator Romero**

February 14, 2007

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An act to add ~~Article 2.5 (commencing with Section 3020) to Chapter 8 of Title 1 of Part 3 of Sections 3020.5, 3021, 3022, 3023, and 3024~~ to the Penal Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 263, as amended, Romero. Rehabilitative programs.

Existing law authorizes the Department of Corrections and Rehabilitation to establish pilot programs that provide training and counseling for parolees to assist in their successful reintegration into the community.

This bill would require the department to conduct an interdisciplinary assessment of new inmates and inmates that return to the department's facilities ~~within more than~~ 12 months after release, excluding inmates returned for parole violations. The assessment, conducted by an interdisciplinary team of professionals, would include the collection of data in specified areas, including substance use, ~~gang involvement,~~ criminal activity, ~~employment, and vocational aptitudes and education,~~ among others. Based on the data obtained, the interdisciplinary team would be required to develop a reentry plan for the inmate, which would progress from cognitive restructuring to educational instruction and vocational training and would include programs for easing the transition from incarceration to parole or release.

The bill would also require the department, by July 1, 2009, to ~~implement a plan for~~ *establish a timetable to implement* an information

technology system that would allow program service providers to share inmate information and would additionally require the department to develop and implement core curriculum at its institutions within specified timeframes, *as specified*. The bill would also require the California Policy Research Center of the University of California Rehabilitation Oversight Board to ~~conduct~~ review an analysis of the risk and needs assessment tool currently used by the department and report its findings to the Legislature by July 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Article 2.5 (commencing with Section 3020) is~~  
2     ~~added to Chapter 8 of Title 1 of Part 3 of the Penal Code, to read:~~

3  
4     ~~Article 2.5. Interdisciplinary Assessment of Inmates~~

5  
6     ~~SECTION 1. Section 3020.5 is added to the Penal Code, to~~  
7     ~~read:~~

8     ~~3020.~~

9     ~~3020.5.~~ (a) On or before July 1, 2010, the Department of  
10    Corrections and Rehabilitation shall conduct an interdisciplinary  
11    assessment of new inmates; upon reception and inmates that return  
12    to the department's facilities ~~within 12~~ *more than 12* months after  
13    release, excluding inmates returned for parole violations.

14    (b) The interdisciplinary assessment shall supplement and  
15    confirm data collected at any presentencing assessment.

16    (c) ~~The~~ *During the reception of an inmate specified in*  
17    ~~subdivision (a), the assessment shall be comprised of obtain data~~  
18    ~~in on~~ the following areas:

19    (1) Substance use.

20    ~~(2) Gang involvement.~~

21    ~~(3)~~

22    (2) Criminal activity, *including, but not limited to, gang*  
23    ~~involvement.~~

24    ~~(4) Employment.~~

25    ~~(5) Vocational aptitudes.~~

26    ~~(6) Educational attainment and skill.~~

27    ~~(7) Family structure and relationships.~~

1 ~~(8) Social skills and functioning.~~

2 ~~(9) Mental health.~~

3 ~~(10) Physical health, including medical issues, dental issues,~~  
4 ~~physical disabilities, or impairments.~~

5 ~~(11) Religious affiliations and involvement.~~

6 (3) *Education, including, but not limited to, educational*  
7 *attainment, vocational training, and related skills.*

8 (4) *Family background, including, but not limited to, family*  
9 *structure and relationships.*

10 (5) *Social functioning, including, but not limited to, employment*  
11 *history, social skills, and religious affiliations and involvement.*

12 (6) *Medical and mental health, including, but not limited to,*  
13 *dental issues and physical disabilities or impairments.*

14 ~~(12)~~

15 (7) Veteran status.

16 (d) The department shall employ an interdisciplinary team to  
17 conduct unit management review of the assessment and relevant  
18 data. The team shall consist of one of each of the following  
19 professionals:

20 (1) Social worker.

21 (2) Correctional counselor.

22 (3) Educational instructor.

23 (4) Vocational instructor.

24 (5) Psychologist or mental health counselor.

25 (6) Physician's assistant or physician.

26 (e) Based upon the data obtained from ~~the assessment~~  
27 *assessments required by the Public Safety and Offender*  
28 *Rehabilitation Act of 2007 (Ch. 7, Stats. 2007)*, the interdisciplinary  
29 team shall determine the inmate's custody level and shall develop  
30 a reentry plan for the inmate for programming, which will progress  
31 from required cognitive restructuring to educational instruction  
32 and vocational training. The determination of custody level and  
33 programming needs shall be evidence-based and use national best  
34 practices, reflect an inmate's term of confinement, the risk level  
35 posed to self and others, both during confinement and upon release,  
36 educational and social needs, and mental and physical health  
37 requirements.

38 ~~(f) At each institution, the department shall provide inmates~~  
39 ~~with The California Rehabilitation Oversight Board shall oversee~~  
40 ~~the development of core programs for inmates, with consistent~~

1 curricula, provided by qualified and trained providers. The core  
2 programs shall include all of the following:

3 (1) Essential skills, including anger management~~and~~, violence  
4 avoidance~~strategies~~, and conflict resolution strategies.

5 (2) Preferred skills, including cultural sensitivity training, drug  
6 and alcohol counseling, *and* illiteracy and numeracy instruction  
7 in preparation for high school diplomas or GEDs.

8 (3) Higher preferred skills, including employment soft skills,  
9 life skills, employment preparation, and vocational training.

10 ~~(g) The department shall structure~~ *California Rehabilitation*  
11 *Oversight Board shall ensure that the department structures* the  
12 programs in such a way *as* to ensure that inmate achievement is  
13 demonstrated in measurable levels and success leads to progress  
14 within the available programs.

15 ~~(h) The department shall consult~~ *California Rehabilitation*  
16 *Oversight Board shall ensure that the department consults* with  
17 state agencies to ensure that vocational programs provide inmates  
18 with marketable skills for fields in which inmates can fill demand,  
19 *pursuant to Section 3105.*

20 (i) Within 90 days of assessment, the department shall place  
21 inmates with a sentence that exceeds 18 months into appropriate  
22 evidence-based programs, which conform to national best practices.  
23 ~~All inmates undertake~~ *Pursuant to Section 3020, all inmates shall*  
24 *be assessed and undertake programs promoting* essential skills.  
25 Priority for programming, however, shall be based upon the  
26 following criteria:

27 (1) Release date: inmates with closer release dates shall receive  
28 priority over those with later release dates for programs, in order  
29 to reduce the likelihood of recidivism.

30 (2) Ability of the inmate to succeed in a specific program and  
31 interact constructively with other inmates.

32 (3) Inmates with mental health issues, inmates in administrative  
33 segregation, or inmates placed in maximum security facilities shall  
34 receive appropriate evidence-based programming opportunities,  
35 which conform to national best practices.

36 (4) Appropriate programming shall be based on a validated risk  
37 and needs assessment and shall reduce the inmate's~~likelihood~~  
38 *likelihood* of reoffending based upon evidence.

39 (j) If essential programming is available to all inmates in a  
40 facility, the department shall require an inmate to enroll in or obtain

1 program credit before an inmate becomes eligible for work  
2 assignments. ~~The As required in Section 2054.2, the~~ department  
3 shall implement procedures and policies that provide inmates with  
4 incentives to program, reduce the pressures and incentives to work  
5 rather than program, and enable inmates to both work and program  
6 within a single day.

7 (k) The department shall implement programs that will ease the  
8 transition from incarceration to parole or release for inmates.

9 (l) ~~The As required by the Public Safety and Offender~~  
10 ~~Rehabilitation Act of 2007, the~~ department shall conduct an  
11 interdisciplinary assessment ~~on~~ of each incarcerated inmate at  
12 ~~reception, after an inmate has served one-quarter, one-half, and~~  
13 ~~three-quarters of the inmate's sentence.~~ *reception. In determining*  
14 *an assessment schedule for an inmate, the department shall assume*  
15 *that an inmate shall obtain all credits allowed to the inmate by*  
16 *law. If it is anticipated an inmate has been sentenced will serve*  
17 *up to 72 months, the department may not let more than 12 18*  
18 *months lapse between assessments. If it is anticipated an inmate*  
19 *has been sentenced will serve up to 120 months, the department*  
20 *may not let more than 18 24 months lapse between assessments.*  
21 *If an inmate has received either an indeterminate sentence or a*  
22 *sentence that exceeds it is anticipated the inmate will serve more*  
23 *than 120 months, the department shall not let more than 24 30*  
24 *months lapse between assessments. If an inmate is serving less*  
25 *than 12 months in a correctional facility under the department's*  
26 *jurisdiction, the department need not conduct an assessment*  
27 *between the reception assessment and the prerelease assessment.*

28 (m) Based upon an assessment, the department will devise a  
29 validated risk and needs driven reentry programming plan for the  
30 purpose of both reducing an inmate's likelihood of reoffending  
31 and improving the inmate's reintegration into society.

32 (n) The department shall assess an inmate prior to parole or  
33 release, and develop a postincarceration plan for each inmate that  
34 identifies the services that the inmate needs and the providers of  
35 those services in the community to which the inmate will be  
36 paroled or released.

37 SEC. 2. Section 3021 is added to the Penal Code, to read:

38 3021. (a) ~~On~~ *In furtherance of the requirement in paragraph*  
39 *(4) of subdivision (a) of Section 2061 that the department address*  
40 *management deficiencies by improving system-wide*

1 *communication, on or before July 1, 2009, the Department of*  
2 *Corrections and Rehabilitation shall develop a plan to implement*  
3 *an information technology system that will allow the service*  
4 *providers within all department correctional facilities to share data*  
5 *on an inmate. The plan shall establish a timetable for specific*  
6 *benchmarks that the department shall meet as it works to implement*  
7 *the information technology system by July 1, 2010 prior to the*  
8 *timeframes established for the implementation of core rehabilitative*  
9 *programs in Section 3023. The department shall provide the*  
10 *Legislature with its initial timetable, and shall report quarterly or*  
11 *on its success in meeting its benchmarks.*

12 (b) The system shall provide all authorized personnel with access  
13 to specified information needed to monitor and develop inmate  
14 reentry plans. The department shall give priority to mental and  
15 physical health data, and disciplinary actions.

16 (c) The system for mental and physical health information  
17 sharing system shall be developed in conjunction with courts or  
18 court-appointed managers overseeing ~~provision~~ provisions of  
19 mental and physical health services.

20 *SEC. 3. Section 3022 is added to the Penal Code, to read:*

21 3022. (a) ~~The~~ *As required by the Public Safety and Offender*  
22 *Rehabilitation Services Act of 2007, the Department of Corrections*  
23 *and Rehabilitation shall reserve space that is exclusively for*  
24 *programming in all newly constructed or retrofitted facilities that*  
25 *include infill beds and expansions of existing facilities. The*  
26 *programming-only space may not be used for housing inmates.*  
27 *The amount of space reserved for programming shall be based*  
28 *upon anticipated capacity rather than based on design capacity.*

29 (b) ~~The~~ *As required by paragraphs (1) and (2) of subdivision*  
30 *(a) of Section 2062, the department shall not let vacancy rates for*  
31 *custody, mental health, health, teaching, and other program staff*  
32 *and service providers fall below the average vacancy rate for the*  
33 *state as determined by the mean.*

34 *SEC. 4. Section 3023 is added to the Penal Code, to read:*

35 3023. (a) ~~The California Policy Research Center within the~~  
36 *University of California shall conduct an analysis of the risk and*  
37 *Consistent with the requirements of Section 6141 the California*  
38 *Rehabilitation Oversight Board shall do the following:*

1 (a) *Review the analysis of the risk and needs assessment tool*  
2 currently employed by the Department of Corrections and  
3 Rehabilitation.

4 (b) ~~The California Policy Research Center shall compare~~  
5 *Compare* the department's current assessment tool to other existing  
6 assessment tools employed by public agencies nationally.

7 (c) ~~The California Policy Research Center shall report~~ *Report*  
8 the findings of its study to the Legislature on or before July 15,  
9 2008.

10 SEC. 5. *Section 3024 is added to the Penal Code, to read:*

11 3024. (a) On or before July 1, 2010, the Department of  
12 Corrections and Rehabilitation shall conduct an interdisciplinary  
13 risk-needs assessment of new inmates upon reception, or inmates  
14 that return to the department's facilities 12 months after release,  
15 excluding inmates returned for parole violations.

16 (b) On or before July 1, 2010, the department shall develop and  
17 implement a core curriculum for essential, preferred, and higher  
18 preferred skills in eight of its correctional institutions, including  
19 at least one female institution.

20 (c) On or before July 1, 2013, the department shall develop and  
21 implement a core curriculum for essential, preferred, and higher  
22 preferred skills in 16 of its correctional institutions, including all  
23 of its female institutions.

24 (d) On or before July 1, 2016, the department shall develop and  
25 implement a core curriculum for essential, preferred, and higher  
26 preferred skills in 24 of its correctional institutions, including all  
27 of its female institutions.

28 (e) On or before July 1, 2019, the department shall develop and  
29 implement a core curriculum for essential, preferred, and higher  
30 preferred skills in all of its correctional institutions.